

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**ISABELLA BERNAL, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,
Plaintiff,**

v.

**BACKSLIDERS, LLC DBA “SOUTH
AUSTIN BEER GARDEN,” RYAN
THOMAS, AND DAVID B. PEARCE,
Defendants.**

A-23-CV-471-ML

SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the court issues the following scheduling order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before **April 29, 2024**.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before **April 29, 2024**, and each opposing party shall respond, in writing, on or before **May 29, 2024**. All offers of settlement are to be private, not filed, and the court is not to be advised of the same. The parties are ordered to retain the written offers of settlement and responses as the court will use these in assessing attorney’s fees and court costs at the conclusion of trial.
3. The parties shall file all amended or supplemental pleadings and shall join additional parties on or before **April 29, 2024**.
4. All parties asserting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **April 29, 2024**. Parties resisting claims for relief shall file their

designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **May 29, 2024**. All parties shall file all designations of rebuttal experts and serve on all parties the material required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, 15 days from the receipt of the report of the opposing expert.

5. Any objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **11 days** from the receipt of the written report of the expert's proposed testimony, or within **11 days** from the completion of the expert's deposition, if a deposition is taken, whichever is later.

6. The parties shall complete discovery on or before **June 14, 2024**.

7. All dispositive motions shall be filed and served on all other parties on or before **July 15, 2024**, and shall be limited to 20 pages. Responses shall be filed and served on all other parties not later than 14 days after the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 7 days after the service of the response and shall be limited to 10 pages, but the court need not wait for the reply before ruling on the motion.

8. This case is set for final pretrial conference, in Courtroom #8, on **October 17, 2024, at 2:00 p.m.** The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(f) regarding matters to be filed in advance of the final pretrial conference. **However, the court modifies the parties' obligations under Local Rule CV-16(f) as follows.** The parties' proposed jury instructions and verdict shall be an agreed, joint

submission. Where the parties cannot reach an agreement on individual instructions, they may each submit competing proposals for the instruction labeled “Plaintiff’s Proposed Instruction” and “Defendant’s Proposed Instruction,” with brief explanations of why their proposal more accurately reflects the law. After filing, the parties are instructed to email Word versions of the agreed, joint proposed instructions and verdict form to Andrea_Houston@txwd.uscourts.gov. Additionally, the court requires the parties to meet and confer before filing any motions in limine and to indicate which items of their motions in limine are agreed to and which are opposed.

9. This case is set for jury trial, in Courtroom #8, beginning at **9:30 a.m. on October 17, 2024**. The attorneys and parties are ordered to appear at **9:00 a.m.** for any final matters.

SIGNED JUNE 6, 2024,

MARK LANE
UNITED STATES MAGISTRATE JUDGE